



JUVENILE SENTENCING LAWS AND COURT DECISIONS AFTER *MILLER V. ALABAMA*

By: Michelle Kirby, Associate Analyst

JUVENILE SENTENCING

- In 2012 the U.S. Supreme Court ruled that mandatory life without parole sentences (LWOP) are unconstitutional for juvenile homicide offenders (*Miller v. Alabama*).
- 11 states have since amended their sentencing laws to comport with the Supreme Court decision.
- Iowa has taken executive action in response to the *Miller* decision, commuting such sentences.
- Three state supreme courts have ruled that aspects of their state juvenile sentencing statutes violate *Miller*.
- The courts disagree on whether the *Miller* decision applies retroactively.
- There is currently one case before the Connecticut Supreme Court on the constitutional requirements of *Miller* (*State v. Riley*).

QUESTION

Regarding the United States Supreme Court's 2012 ruling in *Miller v. Alabama*, (1) how have other states responded to this ruling, (2) how have other courts responded, and (3) are there any Connecticut cases on this issue?

SUMMARY

In *Miller v. Alabama*, the U.S. Supreme Court held that the Eighth Amendment prohibits courts from automatically imposing life without parole (LWOP) sentences on offenders who committed homicides while they were juveniles (under age 18). The Court did not categorically bar these sentences but stated that a court must "take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison" (132 S.Ct. 2455 (2012)). *Miller* followed the Court's 2010 ruling in *Graham v. Florida*, where it held that the Eighth Amendment prohibits states from imposing LWOP on juvenile defendants for non-homicide crimes. The Court required "some meaningful opportunity" for release based on a defendant's demonstrated maturity and rehabilitation since these crimes (130 S.Ct. 2011 (2010)).

At the time of the *Miller* ruling in 2012, at least 26 states had mandatory LWOP sentencing laws for juveniles. At least 11 states have since amended their juvenile sentencing laws in response to the Supreme Court's ruling that such mandatory sentences are unconstitutional. The new laws generally give judges greater discretion in sentencing juveniles. Some states kept life without parole (LWOP) as a possible sentence for certain offenses, while others eliminated LWOP as a sentencing option. Only some of the laws specify whether or not they apply retroactively to juvenile offenders already sentenced to LWOP. Arkansas, Texas, and Wyoming specify that their laws apply prospectively only. While California, Delaware, and North Carolina specify that their laws apply retroactively. Pennsylvania's law applies to convictions after a specified date. The laws of the remaining five states are silent on their retroactivity. However, the Louisiana Supreme Court ruled that the state's new law applies prospectively only.

Iowa is the only state that has responded with an executive action. Since the *Miller* decision, Iowa's governor commuted the sentences of 38 individuals who were serving mandatory LWOP for crimes they committed as juveniles. But, the state supreme court has since ruled that a commuted sentence that is the functional equivalent of a life sentence without parole is unconstitutional under *Miller*.

Three state supreme courts (Massachusetts, Mississippi, and Wyoming) have ruled that aspects of their state juvenile sentencing statutes are unconstitutional under *Miller*. The Massachusetts Supreme Court ruled that by its clear and plain terms a state statute that imposes a mandatory LWOP sentence for juveniles violates the Eight Amendment. The Mississippi Supreme Court ruled that a statutory sentencing scheme that allows a life sentence with opportunity for conditional release at age 65 years is equivalent to mandatory LWOP and prohibited by *Miller*. Similarly, the Wyoming Supreme Court held that a sentencing statute that provides opportunity for parole only after commutation to a term-of-years sentence is unconstitutional under *Miller*.

There is disagreement among the courts as to whether the *Miller* decision should apply retroactively to juvenile offenders already serving LWOP sentences. Five of the 11 U. S. Courts of Appeals (First, Second, Third, Fourth, and Eighth Circuits) have not ruled on whether *Miller* is retroactive but have granted motions to file petitions in federal district courts on the grounds that there was sufficient argument made (i.e., a prima facie showing) by the petitioners that *Miller* is retroactive. The Fifth and Eleventh Circuits ruled that *Miller* is not retroactive, while the Ninth Circuit ruled that *Miller* applies retroactively. Federal district courts in Michigan and New York also ruled that *Miller* should be given retroactive effect. Seven state Supreme Courts have considered the applicability of the *Miller* decision. The Iowa,

Massachusetts, and Mississippi Supreme Courts have ruled that the *Miller* decision is retroactive, while Supreme Courts in Louisiana, Minnesota, and Pennsylvania ruled that it is not. Two Florida district courts of appeals have ruled that the *Miller* decision is not retroactive, while two Illinois appellate courts have concluded that *Miller* is retroactive. (This issue is on appeal to the Illinois Supreme Court.)

In Connecticut, *State of Connecticut v. Ackeem Riley* (SC 19109) is the only case currently before the Connecticut Supreme Court that pertains to the constitutional requirements of *Miller*.

STATES' LEGISLATIVE RESPONSE

As Table 1 shows, at least 11 states have amended their juvenile sentencing laws since the Supreme Court's decision in *Miller*. The new laws generally give judges greater discretion in sentencing juveniles. Arkansas, Louisiana, Nebraska, North Carolina, Pennsylvania, and South Dakota ended mandatory LWOP sentences, but kept LWOP as a possible sentence for certain offenses. Delaware, Texas, and Wyoming eliminated LWOP for juveniles convicted of specific categories of crime. Utah retains LWOP as a sentencing option for one specific offense but eliminated it as an option for all other offenses.

California has passed two juvenile sentencing bills in response to the *Miller* decision. The first provides a mechanism for already sentenced juvenile offenders to seek resentencing. The second establishes new parole eligibility rules that require parole hearings for juvenile offenders at certain points in their incarceration.

The California, Delaware, and North Carolina laws apply retroactively. However, Arkansas, Texas, and Wyoming specify that their laws apply prospectively only. Pennsylvania makes its law applicable to convictions after June 24, 2012. The Louisiana law is silent on the issue of retroactive effect; however, the state's supreme court has ruled that the newly enacted law applies prospectively only (*Louisiana v. Tate*, 2013 WL 5912118 (2013)).

Table 1: State Legislation Enacted after *Miller v. Alabama*

State	Bill Number (Effective)	Synopsis	Retroactive
Arkansas	HB 1993 (04/22/2013)	Ends mandatory LWOP or death sentence for capital murder or treason for juveniles. Juveniles must serve a mandatory 28 years in prison before parole eligibility and may be sentenced to LWOP.	No
California	SB 9 (09/30/2012)	Authorizes a prisoner, sentenced to LWOP as a juvenile offender and who has already served 15 years, to submit a petition for recall and resentencing. If the recall is not granted, a subsequent petition may be made after serving 20 years and a final petition after serving 24 years. Exempts those whose crimes involved torture or the killing of officials such as law enforcement officers. Establishes separate criteria for the court to use when considering whether to conduct a hearing and whether to grant the petition.	Yes
	SB 260 (09/16/2013)	Provides new parole eligibility rules and procedures for juvenile offenders. Depending on the original sentence, requires a parole review after 15, 20, and 25 years for offenders who were under age 18 at the time of their crimes. Specifies the criteria that the parole board must use, including the "diminished culpability of juveniles." Requires the parole board to meet with the inmate six years prior to the minimum eligibility parole release date to provide specified information, such as recommendations on rehabilitative programs.	Yes
Delaware	SB 9 (06/04/2013)	Ends the use of mandatory LWOP for juveniles. Gives judges discretion to impose terms up to life imprisonment for first degree murder. Allows juveniles serving life sentences to seek sentence modification after serving 35 years for first degree murder or 25 years for any other offense. Establishes requirements for sentence modification requests. Allows judges to order that multiple terms of incarceration imposed on a juvenile be served concurrently to avoid life sentences.	Yes
Louisiana	HB 152 (08/01/2013)	Gives judges the discretion to impose life sentences that allow the possibility of parole after serving 35 years for juveniles convicted of first and second degree murder. Requires a sentencing hearing where mitigating evidence can be introduced to determine whether the sentence should be imposed with or without parole eligibility.	Silent
		<i>*(Louisiana Supreme Court has ruled that this law applies prospectively only.)</i>	(No)
Nebraska	LB 44 (01/10/2013)	Gives judges the discretion to impose a maximum sentence of LWOP or a minimum sentence of forty years imprisonment for Class A1 felonies committed when the person was under the age of 18. Requires the court to consider certain mitigating factors. Requires the parole board to reconsider the offender's release every year after the initial parole denial.	Silent
North Carolina	SB 635 (07/12/2012)	Gives judges the discretion to impose LWOP or life with the possibility of parole after 25 years in first degree murder cases for juvenile offenders. Requires the court to conduct a sentencing hearing where any mitigating factors and circumstances, including age at time of offense, must be considered to determine whether to impose life with or without parole eligibility.	Yes

Table 1 (continued)

State	Bill Number (Effective)	Synopsis	Retroactive
Pennsylvania	SB 850 (10/25/2012)	Gives judges the discretion to impose the following sentences for first and second degree murder: <ul style="list-style-type: none"> • First degree murder (LWOP is a discretionary option) - minimum of 35 years to life for youth ages 15 to 17 and a minimum of 25 years to life for youth under age 15. • Second degree murder (LWOP is a discretionary option) - minimum of 30 years to life for youth ages 15 to 17 and a minimum of 20 years to life for youth under age 15. 	Applies to convictions after June 24, 2012
South Dakota	SB 39 (03/20/2013)	Gives judges the discretion to sentence a juvenile to any term-of-years or life for a Class A or B felony (LWOP is a discretionary option). Requires a presentencing hearing for juveniles.	Silent
Texas	SB 2 (07/22/2013)	Eliminates LWOP for individuals convicted of capital felony who committed the offense when under age 18. Replaces it with a sentence of life imprisonment with a possibility of parole.	No
Utah	SB 228 (05/14/2013)	With the exception of aggravated first-degree murder, eliminates LWOP as a sentencing option if the person is younger than age 18 at the time of committing a felony that is subject to a penalty of LWOP. In aggravated first-degree murder cases, gives judges the discretion to impose LWOP or sentences of 25 years to life for juvenile offenders.	Silent
Wyoming	HB 23 (07/01/2013)	Ends LWOP for juveniles who commit first degree murder and replaces it with a sentence of life imprisonment. Establishes that a person sentenced to life for an offense committed as a juvenile is eligible for parole after serving 25 years or after the governor has commuted the sentence to a term of years.	No

STATES' EXECUTIVE RESPONSE

Iowa is the only state that has taken executive action since the Supreme Court's decision in *Miller v. Alabama*. Three weeks after the *Miller* decision, Iowa's governor commuted the sentences of 38 individuals serving mandatory LWOP to life with a possibility of parole after 60 years ([Office of the Governor of Iowa - July 16, 2012 Release](#)). However, the Iowa Supreme Court has since ruled that a commuted sentence of life with no possibility for parole for 60 years is unconstitutional, as the functional equivalent of a prohibited mandatory LWOP sentence. In this case, the state supreme court affirmed the district court's decision to resentence the juvenile offender to life in prison with the possibility of parole after 25 years (*Iowa v. Raglan*, 836 N.W.2d 107 (2013)).

COURT DECISIONS AFTER *MILLER V. ALABAMA*

The courts generally agree that *Miller* states a new rule of constitutional law. Courts that have considered the constitutional requirements of *Miller* have ruled on whether the state's juvenile sentencing statutes are unconstitutional, whether the *Miller* decision applies retroactively, or both.

To date, three state supreme courts (Massachusetts, Mississippi, and Wyoming) have ruled that a state's juvenile sentencing statute was unconstitutional under *Miller*. In general, these courts looked at whether the sentencing scheme (1) provides the court any discretion when sentencing a juvenile to LWOP (i.e., whether it is mandatory); (2) allows for an individualized sentencing where factors such as a defendant's youth may be considered; or (3) provides an opportunity for release only after a lengthy sentence such that it is equivalent to mandatory LWOP.

There is disagreement among the courts as to whether the U.S. Supreme Court has made *Miller* retroactive to juveniles sentenced before the Court's ruling. The courts' determination of whether the *Miller* decision applies retroactively generally includes an analysis of whether:

1. the Supreme Court implicitly made *Miller* retroactive by applying the rule to *Miller's* companion case, *Jackson v. Hobbs* (132 S.Ct. 2455 (2012)), which involved a juvenile whose sentence had been fully reviewed by the courts and could no longer be directly appealed to the Court;
2. *Miller* announced a "substantive rule" that should be given retroactive effect based on the U.S. Supreme Court's prior rulings (see *Teague v. Lane* (109 S.Ct. 1060 (1989))); or
3. *Miller* qualifies as a "watershed procedural rule of criminal procedure" meriting retroactive application under the Court's precedents (see *Teague*).

Below we briefly describe all of the relevant court decisions we found, beginning with those from federal courts and then those from state courts.

U. S. Courts of Appeals

Various federal courts of appeals have been presented with applications to bring successive habeas corpus petitions seeking to raise claims related to the *Miller* decision. Habeas corpus is a remedy used by state or federal prisoners when they can no longer directly appeal their convictions.

As Table 2 shows, the U.S. courts of appeals have come out on both sides of the question of whether the *Miller* decision should be given retroactive effect. The Ninth Circuit has concluded that the *Miller* decision is retroactive. While the Fifth and the Eleventh Circuits have expressly stated that *Miller* is not retroactive. The First, Second, Third, Fourth, and Eighth Circuits did not rule on whether or not *Miller* applies retroactively. Instead, they ruled only that there was sufficient argument made that the *Miller* decision is retroactive (i.e., a prima facie showing), and therefore authorized petitioners to file successive habeas petitions in district courts.

Note that the Fifth Circuit, subsequent to its earlier decision that *Miller* is not retroactive, has also granted two such motions in cases that involved LWOP and lengthy term-of-years sentences.

Table 2: U. S. Courts Of Appeals' Decisions after *Miller*

Court (Date)	Case	Holding	Retroactive
1st Circuit (Feb. 28, 2014)	<i>Evans-Garcia</i> v. U.S. 2014 WL 800498 (1 st Cir. 2014)	Inmate who received mandatory life sentence without possibility of parole was entitled to file second or successive motion as he made a prima facie showing that the rule in <i>Miller</i> applies.	Unclear
2nd Circuit (July 22, 2013)	<i>Alejandro</i> v. U.S. (unpublished) (2 nd Cir. 2013)	Authorized the district court to hear petition seeking resentencing based on the <i>Miller</i> decision.	Unclear
3rd Circuit (Oct. 3, 2013)	<i>In re Pendleton</i> <i>In re Baines</i> 732 F.3d 280, 282 (3 rd Cir.2013)	Authorized each petitioner to file a successive habeas petition in the district court on the grounds that petitioners had made a prima facie showing of <i>Miller's</i> retroactivity.	Unclear
4th Circuit (May 5, 2013)	<i>In re James</i> (unpublished) (4 th Cir. 2013)	Granted certification of a second or successive habeas petition based on <i>Miller</i> without discussion.	Unclear
5th Circuit (Jan.4, 2013)	<i>Craig</i> v. <i>Cain</i> 2013 WL 69128 (5 th Cir. 2013)	Denied a request regarding certifying a habeas petition on the grounds that <i>Miller</i> is not retroactive. <i>Miller</i> does not satisfy the test for retroactivity because it does not categorically bar all sentences of life imprisonment for juveniles. <i>Miller</i> bars only those sentences made mandatory by a sentencing scheme.	No
5th Circuit (Feb. 7, 2014)	<i>In re Simpson</i> (unpublished) (5 th Cir. 2014)	Movant serving LWOP made required prima facie showing that his petition rested on new rule of constitutional law under <i>Miller</i> , made retroactive by United States Supreme Court on collateral review.	Unclear
5th Circuit (Feb. 7, 2014)	<i>In re Clark</i> (unpublished) (5 th Cir. 2014)	Granted motion authorizing a successive petition in the district court. Movant currently serving lengthy term-of-years sentence, met prima facie requirements that his petition rested on new rule of constitutional law under <i>Miller</i> .	Unclear
8th Circuit (July 12, 2013)	<i>Johnson</i> v. U.S. 720 F.3d 720, 721 (8 th Cir.2013)	Granted motion to file a successive petition based on <i>Miller</i> . Petitioner made a prima facie showing that <i>Miller</i> contains a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court.	Unclear

Table 2 (continued)

Court (Date)	Case	Holding	Retroactive
9th Circuit (Aug. 7, 2013)	<i>Moore</i> v. <i>Biter</i> 725 F.3d 1184 (9 th Cir. 2013)	1. U.S. Supreme Court's new rule, that sentencing a juvenile offender to LWOP for a non-homicide crime violated the Eighth Amendment applied retroactively on collateral review, and 2. a term-of-years sentence of 254 years is indistinguishable from a sentence of LWOP which is prohibited under prior U.S. Supreme Court rulings (see <i>Graham</i>).	Yes
11th Circuit (April 12, 2013)	<i>In re Morgan</i> 713 F.3d 1365, 1367–68 (11 th Cir.2013)	New constitutional rule regarding the imposition of life sentences on juvenile offenders is not retroactive.	No

Federal District Courts

As shown in Table 3, federal district courts in Michigan and New York have both held that the *Miller* decision, prohibiting mandatory LWOP sentences for juveniles, applies retroactively allowing for the resentencing of those prisoners who had received such sentences prior to the U.S. Supreme Court's ruling.

Table 3: Federal District Courts' Decisions after *Miller*

Court (Date)	Case	Holding	Retroactive
Michigan United States District Court Eastern District of Michigan Southern Division (Jan. 30, 2013)	<i>Hill, et. al.</i> v. <i>Snyder, et. al.</i> 2013 WL 364198 (2013)	<i>Miller</i> applies retroactively. Compliance with <i>Miller</i> and <i>Graham</i> requires providing a fair and meaningful possibility of parole to all Michigan prisoners who were sentenced to life for a crime committed as a juvenile.	Yes
New York United States District Court, Southern District New York (Aug. 22, 2013)	<i>Alejandro</i> v. U.S. 2013 WL 4574066 (2013)	The court concluded that <i>Miller</i> announced a new rule of constitutional law that is substantive rather than procedural and must be applied retroactively on collateral review. The court set aside the sentence and ordered resentencing in conformity with <i>Miller</i> . (The 2 nd Circuit authorized the district court to hear this case, see above.)	Yes

State Supreme Courts

To date, seven state supreme courts have considered the constitutional requirements of the *Miller* decision (see Table 4).

The Massachusetts, Mississippi, and Wyoming supreme courts ruled that aspects of their states' juvenile sentencing statutes are unconstitutional. The Massachusetts Supreme Court ruled that a state statute was unconstitutional because in plain terms it imposed a mandatory LWOP sentence on a juvenile offender, which is

prohibited by *Miller*. The Mississippi Supreme Court ruled that a sentencing scheme that allows a conditional release after age 65 is equivalent to mandatory LWOP and is unconstitutional because the conditional release is not determined at the time of sentencing based on age and other characteristics of youth, as required by *Miller*. Similarly, the Wyoming Supreme Court ruled that a state sentencing statute which provides an opportunity for parole only after the governor commutes a LWOP sentence to term-of-years is unconstitutional because it is equivalent to a LWOP sentence without an individualized sentencing where the court may consider factors such as age, as *Miller* requires.

The Iowa, Massachusetts, and Mississippi Supreme Courts have ruled that the *Miller* decision applies retroactively. On the other hand, the Louisiana, Minnesota, and Pennsylvania Supreme Courts have ruled that *Miller* does not apply retroactively. The Louisiana Supreme Court also ruled that recently enacted state legislation (2013 Act 239) prohibiting mandatory LWOP for juveniles applies prospectively only. The Wyoming Supreme Court's decision did not discuss the issue of retroactivity.

Table 4: State Supreme Courts' Decisions after *Miller*

Court (Date)	Case	Holding	Retroactive
Iowa (Aug. 16, 2013)	<i>State</i> v. <i>Ragland</i> 836 N.W.2d 107 (2013)	The Iowa Supreme Court held that the: 1. U.S. Supreme Court's decision in <i>Miller</i> applies retroactively to cases on direct and collateral review and 2. defendant's commuted sentence of life with no possibility for parole for sixty years was unconstitutional, as the functional equivalent of a prohibited mandatory life-without-parole sentence.	Yes
Louisiana (Nov. 5, 2013)	<i>State</i> v. <i>Tate</i> 2013 WL 5912118 (2013)	The Louisiana Supreme Court held that: 1. <i>Miller</i> does not apply retroactively in state cases on collateral review as it merely sets forth a new rule of criminal constitutional procedure, which is neither substantive nor implicates fundamental fairness and the accuracy of criminal proceedings and 2. statutes requiring presentencing hearing on parole eligibility with regard to life sentence for a defendant who was under 18 at time of first-degree murder or second-degree murder (2013 Act 239) applies prospectively only.	No

Table 4 (continued)

Court (Date)	Case	Holding	Retroactive
Massachusetts (Dec. 24, 2013)	<i>Diatchenko</i> v. <i>District Attorney for the District of Suffolk & others</i> 466 Mass. 655 (2013)	The Supreme Judicial Court of Massachusetts held that: 1. <i>Miller's</i> prohibition against mandatory LWOP sentences for juvenile offenders was a new substantive constitutional rule that applied retroactively to cases on collateral review, and 2. mandatory LWOP sentencing statute violated defendant's right of protection against cruel and unusual punishment.	Yes
Minnesota (May 31, 2013)	<i>Chambers</i> v. <i>State</i> 831 N.W.2d 311 (2013)	The Supreme Court of Minnesota held that the <i>Miller</i> decision is a new rule of criminal constitutional procedure that is neither substantive nor a watershed rule. Therefore, the <i>Miller</i> rule does not apply retroactively in the post-conviction proceeding.	No
Mississippi (June 6, 2013)	<i>Parker</i> v. <i>State</i> 119 So.3d 987 (2013)	Among other things, the Mississippi Supreme Court held that a life sentence with an opportunity for conditional release at age 65 years amounts to LWOP which is prohibited by <i>Miller</i> . The court also ruled that the statutory sentencing scheme violates <i>Miller</i> .	Not discussed
Mississippi (July 18, 2013)	<i>Jones</i> v. <i>State</i> 122 So.3d 698 (2013)	The Supreme Court held that <i>Miller's</i> prohibition against mandatory life sentences for juvenile offenders applied retroactively on collateral review.	Yes
Pennsylvania (Oct. 30, 2013)	<i>Pennsylvania</i> v. <i>Cunningham</i> 81 A.3d 1 (2013)	The Pennsylvania Supreme Court held that <i>Miller's</i> prohibition against mandatory LWOP sentencing for juvenile offenders does not apply retroactively.	No
Wyoming (Feb. 8, 2013)	<i>Bear Cloud</i> v. <i>State</i> 294 P.3d 36 (2013)	The Wyoming Supreme Court held that: 1. a sentence of LWOP for a juvenile offender who was deprived a meaningful possibility to be considered for parole is unconstitutional under <i>Miller</i> , 2. a sentencing statute that provides the opportunity for parole only after commutation to a term of years sentence is different from parole eligibility and is unconstitutional under <i>Miller</i> , and 3. LWOP as a sentencing option for a juvenile who committed first degree murder is constitutional.	Not discussed

State Appellate Courts

At the state appellate level, Illinois and Florida courts have come out on opposite sides of the question of whether the *Miller* decision applies retroactively, as shown in Table 5. Two Florida district courts of appeals have ruled that the *Miller* decision

does not apply in post-conviction motions. On the other hand, two Illinois appellate courts have decided that the prohibition on mandatory LWOP sentences for juveniles applies retroactively. This is being appealed to the Illinois Supreme Court.

Table 5: State Appellate Courts' Decisions after *Miller*

Court (Date)	Case	Holding	Retroactive
Florida District Court of Appeals, Third District (Sept. 27, 2012)	<i>Geter</i> v. <i>State</i> 115 So.3d 375 (2012)	<i>Miller</i> was not a development of fundamental significance and, therefore, is not applicable retroactively to Florida post-conviction proceedings where the life sentence was final when the <i>Miller</i> decision was rendered.	No
Florida District Court of Appeals, First District (April 30, 2013)	<i>Falcon</i> v. <i>State</i> 111 So.3d 973 (2013)	<i>Miller</i> did not apply retroactively to defendant's post-conviction motion.	No
Illinois Appellate Court, First District, Third Division (Nov. 30, 2012)	<i>State</i> v. <i>Morfin</i> 2012 IL App (1st) 103568 (2012)	Under <i>Miller</i> , the defendant was entitled to a new sentencing hearing at which natural life imprisonment was not the only available sentence.	Yes
Illinois Appellate Court, First District, Second Division (Dec. 12, 2012)	<i>State</i> v. <i>Williams</i> 2012 IL App (1st) 111145 (2012)	The <i>Miller</i> decision prohibiting mandatory LWOP sentences for juveniles applies retroactively.	Yes

CONNECTICUT CASE

State v. Ackeem Riley ([SC 19109](#)) is the only case currently before the Connecticut Supreme Court related to the constitutional requirements of *Miller v. Alabama*. The state Appellate Court held that the defendant's sentence of 100 years imprisonment, a functional equivalent of LWOP, does not violate the Eighth Amendment. The Appellate Court concluded that the sentencing procedure the court followed in the defendant's case comported with the constitutional requirements of *Miller* because the defendant had the opportunity to present mitigating evidence and the court was permitted to consider it. OLR Report [2013-R-0025](#) provides a summary of the state Appellate Court case.

MK:ro